

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DOUGLAS PRADE,)	
)	
Plaintiff,)	Case No. 5:14CV0188
)	
v.)	
)	
THE CITY OF AKRON, et al.,)	Judge Lioi
)	
Defendants.)	

PLAINTIFF'S RESPONSE TO DEFENDANT LEVINE'S MOTION

NOW COMES Plaintiff, DOUGLAS PRADE, by his attorneys LOEVY & LOEVY, and respectfully files this Response to Defendant Levine's motion. *See* Dkt. No. 58. In Response, Plaintiff states as follows:

1. On February 9, 2015 Defendant Levine filed a Fed. R. Civ. P. 12(C) motion for judgment on the pleadings. Defendant Levine's motion for judgment on the pleadings relies upon a number of alleged defects. *See* Dkt. No. 58. Because of this, Defendant Levine argues that he is entitled to a judgment on the pleadings.
2. On May 8, 2015, this Court issued an order concluding that defendant's motion for judgment on the pleadings can properly be converted to a Rule 12(B)(6) motion to dismiss. *See* Dkt. No. 71. This Court further ordered that Plaintiff file a Response to Defendant Levine's motion to dismiss by May 8, 2015. *Id.*
3. Without conceding the merits of the motion, Plaintiff respectfully asks this Court to hold Defendant Levine's motion to dismiss as moot as a result of Plaintiff's immediately forthcoming Rule 41(a)(2) motion for voluntary dismissal of all claims without prejudice.

RESPECTFULLY SUBMITTED,

DOUGLAS PRADE.

BY: /s/ Elliot Slosar
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Elliot Slosar, an attorney, hereby certify that on May 8, 2015, I filed the foregoing Response to Defendant Levine's motion using the Court's CM/ECF system, which effected service on all counsel of record listed below.

/s/ Elliot Slosar
One of Plaintiff's Attorneys